

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONQUAVIOUS MARCELLUS
DAVIS,

Defendant.

No. 14-CR-2028-LRR

ORDER

The court is in receipt of the Final Presentence Investigation Report for the above-entitled Defendant. In the report, the United States Probation Officer notes two issues to be decided by the court.

IT IS ORDERED:

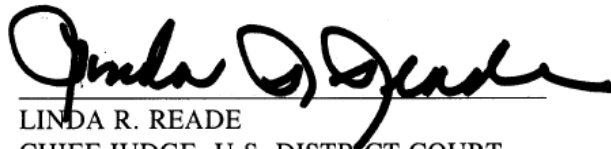
1. If there are no issues to be decided in the case except where to sentence within the applicable guideline range, the parties need not file anything.
2. If the issues noted in the presentence report have been resolved, the parties are directed to file a notice of the same as soon as an agreement is reached.
3. In any case in which sentencing issues remain, **within fourteen days of the date of this order**, the attorneys are directed to file the following with the clerk and serve a copy on opposing counsel and the **United States Probation Office**:
 - a. A list of all witnesses counsel expects to call to testify at the sentencing hearing;
 - b. A list of all exhibits counsel expects to offer at the sentencing hearing; and

- c. A list of all sentencing issues counsel will ask the court to decide, with a separate brief that contains a citation to all statutes, case law and guideline sections relied on in support of counsel's position.
4. **If any part of the guideline calculation** under the advisory guidelines is in dispute, the parties are directed to submit itemized and annotated statements of how they arrived at their figures. **Because the court is required to calculate an advisory guideline sentencing range in all cases, the parties must file sentencing memoranda containing legal authority to support each argument as to which specific offense characteristics and adjustments are applicable. If the parties agree as to the Total Offense Level but disagree about how the Total Offense Level was calculated, each party still must submit a detailed sentencing memorandum setting forth the differing positions and legal authorities.**
5. **The court will not agree to be bound to a specific advisory guideline range or sentence unless both parties file a waiver of their right to appeal.**
6. If the amount of restitution is at issue, the parties are directed to submit itemized and annotated statements (with any supporting documentation) explaining how they arrived at their figures.
7. **Within fourteen calendar days** from the date of this order, counsel is directed to exchange exhibits marked with exhibit numbers in accordance with Local Rule 83.6.
8. In the event counsel expects to offer the testimony of in-custody witnesses, **within fourteen days from the date of this order**, counsel is directed to provide notice to the United States Marshal.
9. In the event counsel wants the United States Marshal to serve subpoenas on witnesses, those subpoenas shall be delivered to the United States Marshal **within fourteen days from the date of this order.**
10. If a party does not file its sentencing memorandum in a timely manner or if a brief citing to legal authority is not filed, the court will

consider the issues previously raised by the party in the party's objections to the presentence report to be waived.

IT IS SO ORDERED.

DATED this 20th day of November, 2014.

A handwritten signature in black ink, appearing to read "Linda R. Reade", written over a horizontal line.

LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA